

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. Now before the Court is Defendant's pro se Motion for Substitution of Counsel [Doc. 24], filed on February 1, 2021. The parties appeared before the Court via videoconference for a motion hearing on February 17, 2021. Assistant United States Attorney Alan Kirk represented the Government. Assistant Federal Defender Benjamin Sharp and the Federal Defender Services of Eastern Tennessee ("FDSET") appeared on behalf of Defendant, who was also present. Attorney Donny Young was also present.

In his Motion for Substitution of Counsel [Doc. 24], Defendant requests new counsel due to a breakdown of communication and provides his opinion that the attorney-client relationship is irretrievably broken. During the motion hearing, Assistant Federal Defender Sharp detailed that it was his opinion that the attorney-client relationship was irretrievably broken. The Government stated that it did not object to the pending motion.

Based upon the representations of Assistant Federal Defender Sharp and Defendant during the hearing, the Court finds that the trust necessary for the attorney-client relationship is irretrievably broken and the ability to communicate is significantly eroded. Accordingly, the Court finds that

good cause exists to grant the request for substitution of counsel. *See Wilson v. Mintzes*, 761 F.2d 275, 280 (6th Cir. 1985) (holding that a defendant seeking to substitute counsel must show good cause).

Therefore, Defendant's Motion for Substitution of Counsel [**Doc. 24**] is **GRANTED**, and Assistant Federal Defender Sharp and the FDSET are **RELIEVED** as counsel of record for Defendant. At the end of the hearing, Attorney Young agreed to accept representation of the Defendant if the present motion was granted. The Court therefore and hereby **SUBSTITUTES and APPOINTS** Attorney Young under the Criminal Justice Act, 18 U.S.C. § 3006A, as counsel of record for Defendant. Assistant Federal Defender Sharp and the FDSET are **DIRECTED** to turn over all discovery and the Defendant's file to Attorney Young. Additionally, the parties are **DIRECTED** to contact District Judge Crytzer's Chambers to reschedule Defendant's revocation hearing.

Accordingly, it is **ORDERED**:

- (1) Defendant's Motion for Substitution of Counsel [**Doc. 24**] is **GRANTED**;
- (2) Assistant Federal Defender Sharp and the FDSET are **RELIEVED** of further representation of Defendant and are **DIRECTED** to provide new defense counsel with the discovery and information from Defendant's file as soon as possible; and
- (3) Attorney Donny Young is **SUBSTITUTED and APPOINTED** as counsel of record for the Defendant pursuant to the CJA, and the parties are **DIRECTED** to contact District Judge Crytzer's Chambers to reschedule the revocation hearing.

IT IS SO ORDERED

ENTER:

Bruce G. Young
United States Magistrate Judge